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OFFICE OF PETITIONS

In re Patent No. 7,446,173
Pepinsky et al.
Issue Date: November 4, 2008
Application No. 10/802,540
Filed: March 16, 2004
Attorney Docket No. BII-008.02
Title: Polymer Conjugates of
Interferon Beta 1A and Uses

:
: DECISION UPON REMAND AND
: RECONSIDERATION OF
: PATENT TERM ADJUSTMENT
: AND NOTICE OF INTENT
: TO ISSUE CERTIFICATE OF
: CORRECTION
:

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by eight thousand and twenty-four (824) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eight hundred and twenty-four (824) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor, Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,446,173

DATED : November 4, 2008

DRAFT

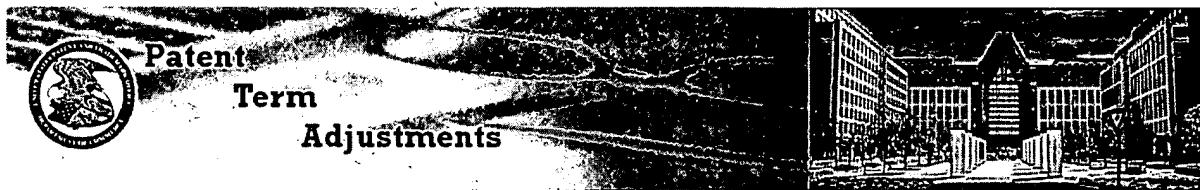
INVENTOR(S) : Pepinsky et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 502 days

Delete the phrase "by 502 days" and insert -- by 824 days--


[PTA/PTE Information](#) [Patent Term Adjustment](#) [Patent Term Extension](#)

 Application Number*: 10802540 [Search](#) [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)
PTA Calculations for Application: 10802540

Application Filing Date	03/16/2004	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent	11/04/2008	Non-Overlapping USPTO Delays:	590
A Delays	590	PTO Manual Adjustment:	322
B Delays	0	Applicant Delay (APPL)	88
C Delays	0	Total PTA (days)	824

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
157	12/22/2011		P028	Adjustment of PTA Calculation by PTO	322	0	
147	11/04/2008		PTAC	Patent Issue Date Used in PTA Calculation	0	0	
147.5	10/15/2008	03/16/2007	PTA36M	PTA 36 Months	0	0	
146	10/07/2008		EFDC	Export to Final Data Capture	0	0	
145	10/06/2008		D1935	Dispatch to FDC	0	0	
144	10/06/2008		PA..	Change in Power of Attorney (May Include Associate POA)	0	0	
143	10/06/2008		C.AD	Correspondence Address Change	0	0	
142	10/02/2008		N084	Issue Fee Payment Verified	0	0	
141	10/02/2008		IFEE	Issue Fee Payment Received	0	0	
139	09/24/2008		CRFT	Sequence Forwarded to Pubs on Tape	0	0	
138	09/19/2008		EIDC	Export to Initial Data Capture	0	0	
136	09/15/2008		MN/..	Mail Notice of Allowance	0	0	
135	09/15/2008		IREV	Issue Revision Completed	0	0	
134	09/15/2008		DVER	Document Verification	0	0	
131	09/02/2008		N/..	Notice of Allowance Data Verification Completed	0	0	
130	09/02/2008		DOCK	Case Docketed to Examiner in GAU	0	0	
129	09/02/2008		EX.A	Examiner's Amendment Communication	0	0	
128	09/02/2008		CNTA	Allowability Notice	0	0	
115	07/11/2008		QURF	Workflow - Query Request - Finish	0	0	
113	06/17/2008		FWDX	Date Forwarded to Examiner	0	0	
111	06/17/2008		ABN9	Disposal for a RCE / CPA / R129	0	0	
109	05/30/2008		MP006	Mail-Record Petition Decision of Granted to Withdraw from Issue	0	0	
108	05/30/2008		P006	Record Petition Decision of Granted to Withdraw from Issue	0	0	
120	05/29/2008		IDSC	Information Disclosure Statement considered	0	0	
114	05/29/2008		M844	Information Disclosure Statement (IDS) Filed	0	0	
112	05/29/2008		RCEX	Request for Continued Examination (RCE)	0	0	
107	05/29/2008		WIDS	Information Disclosure Statement (IDS) Filed	0	0	
106	05/29/2008		PET.	Petition Entered	0	0	
105	05/29/2008		BRCE	Workflow - Request for RCE - Begin	0	0	
104	05/09/2008		EFDC	Export to Final Data Capture	0	0	
103	05/08/2008		D1935	Dispatch to FDC	0	0	
102	05/08/2008		MN271	Mail Response to 312 Amendment (PTO-271)	0	0	
101	05/07/2008		N271	Response to Amendment under Rule 312	0	0	
99	04/17/2008		FIDC	Finished Initial Data Capture	0	0	
98	04/17/2008		D1935	Dispatch to FDC	0	0	
97	03/19/2008		PILS	Application Is Considered Ready for Issue	0	0	
96	03/10/2008		N084	Issue Fee Payment Verified	0	0	
95	03/10/2008		IFEE	Issue Fee Payment Received	0	0	
94	01/28/2008		C.ADB	Correspondence Address Change	0	0	
100	01/15/2008		A.NA	Amendment after Notice of Allowance (Rule 312)	0	0	
93	01/11/2008		EIDC	Export to Initial Data Capture	0	0	
92	01/08/2008		MN/..	Mail Notice of Allowance	0	0	
91	01/08/2008		MEX.A	Mail Examiner's Amendment	0	0	
79	01/07/2008		IREV	Issue Revision Completed	0	0	
78	01/07/2008		DVER	Document Verification	0	0	
77	01/07/2008		EX.A	Examiner's Amendment Communication	0	0	
76	01/07/2008		N/..	Notice of Allowance Data Verification Completed	0	0	
75	01/07/2008		CNTA	Allowability Notice	0	0	
69	12/01/2007		FWDX	Date Forwarded to Examiner	0	0	
72	11/26/2007		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	0	0	
71	11/26/2007		LET.	Miscellaneous Incoming Letter	0	0	
70	11/21/2007		AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	0	0	
68	11/21/2007	08/25/2007	A...	Response after Non-Final Action	88	63	
67	11/21/2007		XT/G	Request for Extension of Time - Granted	0	0	
65	10/30/2007		PA..	Change in Power of Attorney (May Include Associate POA)	0	0	

90	10/29/2007	IDSC	Information Disclosure Statement considered	0
86	10/29/2007	RCAP	Reference capture on IDS	0
85	10/29/2007	M844	Information Disclosure Statement (IDS) Filed	0
66	10/29/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
64	10/29/2007	C.AD	Correspondence Address Change	0
63	05/25/2007	MCTNF	Mail Non-Final Rejection	0
62	05/14/2007	CTNF	Non-Final Rejection	0
61	05/03/2007	PG-ISSUE	PG-Pub Issue Notification	0
56	03/05/2007	FWDX	Data Forwarded to Examiner	0
55	02/27/2007	ELC	Response to Election / Restriction Filed	0
54	02/27/2007	XT/G	Request for Extension of Time - Granted	0
53	12/27/2006	05/16/2005 MCTRS	Mail Restriction Requirement	<u>590</u> -1
52	12/21/2006	CTRS	Restriction/Election Requirement	0
60	11/10/2006	IDSC	Information Disclosure Statement considered	0
51.7	11/10/2006	EIDS	Electronic Information Disclosure Statement	0
51	11/10/2006	WIDS	Information Disclosure Statement (IDS) Filed	0
59	10/19/2006	IDSC	Information Disclosure Statement considered	0
50	10/19/2006	RCAP	Reference capture on IDS	0
49.7	10/19/2006	M844	Information Disclosure Statement (IDS) Filed	0
49	10/19/2006	WIDS	Information Disclosure Statement (IDS) Filed	0
48	08/25/2006	CRFE	CRF Is Good Technically / Entered into Database	0
46	08/18/2006	A.PE	Preliminary Amendment	0
45	04/17/2006	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
44	04/17/2006	DOCK	Case Docketed to Examiner in GAU	0
36	04/06/2006	WROIPE	Application Return from OIPE	0
35	04/06/2006	COMP	Application Is Now Complete	0
34	04/06/2006	ROIPE	Application Return TO OIPE	0
33	04/06/2006	WROIPE	Application Return from OIPE	0
32	04/06/2006	COMP	Application Is Now Complete	0
31	04/06/2006	ROIPE	Application Return TO OIPE	0
30	03/29/2006	WROIPE	Application Return from OIPE	0
29	03/29/2006	COMP	Application Is Now Complete	0
27	03/23/2006	ROIPE	Application Return TO OIPE	0
26	03/22/2006	WROIPE	Application Return from OIPE	0
25	03/22/2006	COMP	Application Is Now Complete	0
24	03/22/2006	ROIPE	Application Return TO OIPE	0
23	03/21/2006	WROIPE	Application Return from OIPE	0
22	03/21/2006	COMP	Application Is Now Complete	0
18	03/21/2006	ROIPE	Application Return TO OIPE	0
16	03/21/2006	COMP	Application Is Now Complete	0
17	03/20/2006	OIPE	Application Dispatched from OIPE	0
43	01/03/2006	A.PE	Preliminary Amendment	0
57	04/25/2005	IDSC	Information Disclosure Statement considered	0
42	04/25/2005	RCAP	Reference capture on IDS	0
41.7	04/25/2005	M844	Information Disclosure Statement (IDS) Filed	0
41	04/25/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
11	08/31/2004	CRFE	CRF Is Good Technically / Entered into Database	0
40	07/30/2004	A.PE	Preliminary Amendment	0
10	07/30/2004	WAMD	Workflow Incoming amendment IFW	0
58	07/22/2004	IDSC	Information Disclosure Statement considered	0
39	07/22/2004	RCAP	Reference capture on IDS	0
38.7	07/22/2004	M844	Information Disclosure Statement (IDS) Filed	0
38	07/22/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
28	07/22/2004	FLFEE	Payment of additional filing fee/Preexam	0
13	07/22/2004	SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe In	0
12	07/22/2004	CRFL	CRF Disk Has Been Received by Preexam / Group / PCT	0
9	05/18/2004	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
5	04/26/2004	L128	Cleared by LBR (LARS)	0
4	04/12/2004	L198	Referred to Level 2 (LARS) by OIPE CSR	0
3	04/12/2004	CLSS	CASE CLASSIFIED BY OIPE	0
2	03/25/2004	SCAN	IFW Scan & PACR Auto Security Review	0
37	03/16/2004	A.PE	Preliminary Amendment	0
20	03/16/2004	CLAIM	Claim Preliminary Amendment	0
1	03/16/2004	IEXX	Initial Exam Team nn	0

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